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HOUSE BILL 263

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO COUNTIES; INCREASING THE FEES PAID TO SHERIFFS FOR SERVICE OF PROCESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 4-41-16 NMSA 1978 (being Laws 1895, Chapter 35, Section 1, as amended) is amended to read:

"4-41-16. FEES--ATTENDANCE ON COURTS--SESSIONS OF COUNTY COMMISSIONERS--HEARING BEFORE JUDGES.--

A. The sheriffs of this state shall be allowed, except from the state or any state agency, the following fees and compensations:

(1) for serving every writ, citation, order, subpoena or summons, not more than [~~thirty dollars (\$30.00)~~] forty dollars (\$40.00);

(2) for every writ of capias or attachment for

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[bracketed material] = delete

1 each defendant, six dollars (\$6.00);

2 (3) for taking and returning every bond
3 required by law, five dollars (\$5.00);

4 (4) for levying every execution and return of
5 same, six dollars (\$6.00);

6 (5) for making, executing and delivering every
7 sheriff's deed, to be paid by the purchaser, six dollars
8 (\$6.00);

9 (6) for every return of non est inventus,
10 fifty cents (\$.50); and

11 (7) for making every return of any process,
12 order, summons, citation or decree of any court, two dollars
13 (\$2.00).

14 No sheriff shall collect more than one of the fees listed
15 in this subsection, regardless of how many documents may be
16 served upon one or more individuals, when those documents are
17 served at the same time and at the same location.

18 B. In the service of any subpoena or summons for
19 witnesses, the sheriff shall be allowed compensation of one
20 dollar (\$1.00) for each of the witnesses so summoned by the
21 sheriff, notwithstanding that the name of [~~such~~] the witness
22 may appear in but one copy of the subpoena or summons.

23 C. It is the duty of the sheriffs of the state to
24 attend:

25 (1) the sessions of every district court,

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1 which attendance shall be paid in the manner now provided by
2 law;

3 (2) all sessions of the probate court and
4 sessions of the boards of county commissioners, which
5 attendance shall be paid sheriffs out of the general county
6 funds of the county in which the services were rendered; and

7 (3) at the trial or hearing before magistrates
8 in felony cases, where the arrest is made by the sheriff,
9 either with or without a warrant, which attendance shall be
10 paid as provided in this section out of the general county
11 funds; but [~~such~~] sheriffs shall not be allowed any
12 compensation for attending at the trial of any misdemeanor case
13 before any magistrate unless a sheriff made the arrest in
14 [~~such~~] the misdemeanor case."

15 Section 2. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2008.